

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

**PROPOSED AMENDMENTS TO THE  
PARAMETERS AND GUIDELINES:**

Government Code Sections 3300 through 3311, as added and amended by Statutes 1976, Chapter 465; Statutes 1978, Chapters 775, 1173, 1174, and 1178; Statutes 1979, Chapter 405; Statutes 1980, Chapter 1367; Statutes 1982, Chapter 994; Statutes 1983, Chapter 964; Statutes 1989, Chapter 1165; and Statutes 1990, Chapter 675; and,

Filed on May 25, 2006 by California State Association of Counties, and,

Filed on June 15, 2006 by County of Los Angeles, to replace and supersede May 22, 2006 filing, and,

Filed on June 15, 2006 by County of San Bernardino; and,

Filed on June 29, 2006 by the Department of Finance, and,

Filed on June 29, 2006 by State Controller's Office to replace and supersede May 5, 2005 filing.

Case Nos.:05-PGA-18, 05-PGA-19, 05-PGA-20  
05-PGA-21; and 05-PGA-22

(CSM-4499 and 05-RL-4499-01)

*Peace Officers Procedural Bill of Rights  
(POBOR)*

**NOTICE OF PUBLIC COMMENT  
PERIOD AND TENTATIVE HEARING  
DATE ON PROPOSED AMENDMENTS  
TO PARAMETERS AND GUIDELINES  
AND DEVELOPMENT OF REASONABLE  
REIMBURSEMENT METHODOLOGY**

*Tentative Hearing Date: October 26, 2006*

*Website: <http://www.csm.ca.gov/pobor>*

TO: League of California Cities  
California State Association of Counties  
Department of Personnel Administration  
Department of Finance  
State Controller's Office  
State Personnel Board  
Legislative Analyst  
Interested Parties and Persons  
Legislative Committees

On April 26, 2006, the Commission on State Mandates directed staff to work with state agencies and interested parties to develop and recommend a reasonable reimbursement methodology pursuant to Government Code section 17518.5 for inclusion in the revised parameters and guidelines.

The first prehearing conference was held on May 25, 2006, to discuss the Commission's directive and to begin discussions and planning for development of a reasonable reimbursement methodology. During this conference the Commission staff learned that several proposals to amend the POBOR parameters and guidelines would be filed. Staff requested that proposals received in June would be sent out for public comment and posted on the CSM website as one package.

**Five proposals for amendment of the POBOR parameters and guidelines have been filed and are deemed complete. The following proposals are available for review on the Commission's website at: <http://www.csm.ca.gov/pobor>.**

- The **California State Association of Counties** (05-PGA-19) requests that the parameters and guidelines be amended to include a reasonable reimbursement methodology that would reimburse local agencies \$528/peace officer employed by the agency on January 1 of the claim year, with annual adjustments based on the Implicit Price Deflator.
- The **County of Los Angeles** (05-PGA-18) requests that the parameters and guidelines be amended to include a reasonable reimbursement methodology that would allow local agencies to be reimbursed based on *approximations of local costs mandated by the state*. This proposal is based on studies of claims data submitted to the Controller's Office for the 2001-2002 through 2004-05 fiscal years. The County describes its proposal as a reimbursement formula which reflects differences in POBOR case loads among local law enforcement agencies and differences in the numbers of peace officers employed by those agencies. The reasonable reimbursement methodology is comprised of three components: (1) *Unit Case Costs* are determined by multiplying the number of unit level cases X 12 standard hours X productive hourly rate; (2) *Extended Case Costs* are determined by multiplying number of extended cases X 162 standard hours X productive hourly rate; (3) *Uniform Costs* are determined by multiplying the number of peace officers X standard rate of \$100. The costs from these three components are then totaled for the annual claim amount.
- The **County of San Bernardino** (05-PGA-20) requests that the parameters and guidelines be amended to allow claimants to file reimbursement claims based on actual costs or the CSAC-SB 90 Group reasonable reimbursement methodology proposal of \$528/peace officer. The County also proposes amendments to (1) update the parameters and guidelines based on the reconsideration; (2) to clarify the descriptions of "Interrogations" and "Adverse Comment" under Section IV. Reimbursable Activities; and (3) to update and clarify Sections V-X to conform with recently adopted language.
- The **Department of Finance (DOF)** (05-PGA-22) requests that the parameters and guidelines be amended to include a reasonable reimbursement methodology. Under this methodology, a distinct "base rate" would be calculated for each claimant based on SCO audited amounts for four years of claims. The annual reimbursement would be the result of multiplying the "base rate" by the number of covered officers. The base rates would be adjusted annually by an appropriate factor to capture the normal cost increases. A process for determining *mean* reimbursement rates while final reimbursement rates are determined.

- **The State Controller's Office (SCO)** (05-PGA-21) requests that the parameters and guidelines amendment previously filed on May 5, 2005 be superseded by their June 29, 2006 filing. The SCO proposes changes to clarify reimbursable activities consistent with the Statement of Decision adopted November 30, 199, and to add the Commission's previously adopted standardized language. The proposed amendments do not include changes reflected in the Commission's Statement of Decision adopted April 26, 2006. However, the proposal includes "time study" language.

To expedite this proceeding, interested parties, affected state agencies, and interested persons are invited to file comments with the Commission on the proposed amendments described above.

Comments on all proposals are due on **August 4, 2006** with rebuttal comments due on **August 17, 2006**.

An original and one copy, or an original and an Adobe Acrobat PDF file, shall be submitted to the Commission. PDF files should be e-mailed to: [csminfo@csm.ca.gov](mailto:csminfo@csm.ca.gov). All comments will be posted on the Commission's website. This will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2, subdivision (d).

**Draft Staff Analysis and Tentative Hearing Date.** After the record closes, Commission staff will review the proposals and comments and prepare a draft staff analysis and proposed parameters and guidelines. The draft staff analysis will be issued for public comment and review on or about August 31, 2006 and is tentatively scheduled for hearing on October 26, 2006.

If you have any questions regarding this matter, please contact me at (916) 323-8210.

Dated: June 30, 2006

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PAULA HIGASHI, Executive Director